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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-208130

DATE: August 3, 1982

MATTER OF: Gibraltar Industries, Inc.

DIGEST:

Protest of small business offeror's responsibility is dismissed where the Small Business Administration (SBA) is currently reviewing a negative responsibility determination. SBA determination on the issuance of certificate of competency is not reviewable by GAO in the absence of a showing of fraud or bad faith.

Gibraltar Industries (Gibraltar) protests any award of a contract by the Defense Logistics Agency (DLA) to Joseph Hirsh under solicitation No. DLA100-82-B-0705. Gibraltar contends Joseph Hirsh cannot manufacture the required cloth product because it has no source for a necessary fabric. The protest is dismissed.

We have been informally advised by DLA that the contracting officer conducted a preaward survey and determined that Joseph Hirsh was nonresponsible. Because Joseph Hirsh is a small business, the negative responsibility determination was forwarded to the Small Business Administration (SBA) for possible issuance of a certificate of competency (COC). SBA has not yet determined whether to issue a COC.

The SBA determination on a COC generally is not reviewable by our Office in the absence of a showing of fraud or bad faith, neither of which is alleged here. Vernitron Corporation, B-201832.4, September 25, 1981, 81-2 CPD 250, and 15 U.S.C. § 637(b)(7) (Supp. III, 1979).

The protest is dismissed.

F. H. Barclay
For Harry R. Van Cleave
Acting General Counsel